

REMARKS

Claims 2, 3, 15, 21, and 26-34 are currently pending in the present application, with Claims 2, 3, 15, 21, 27, and 30 being amended, and new Claims 31-34 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 2, 3, 15, 21, 26-28, and 30 under 35 U.S.C. 103(a) as being anticipated by Ohomori (U.S. Patent No. 6,477,315) and “Emagic Notator Logic Sequencing Software (Macintosh)” by Jim Akin (hereinafter “Akin”). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a system and method for editing performance data of a musical tone via a computer system. Specifically, in accordance with a preferred embodiment as claimed, performance data of a musical tone is displayed in layers, wherein each layer represents a different type of articulation to be added to a musical tone based on the performance data. Articulation, as the term is recited in the claims, refers to specific performance technique (as reflected in the amended claims).

In accordance with a preferred embodiment, a user may edit performance data by attaching or detaching (graphically via an input device such as a computer mouse) to a particular layer, execution icons that represent execution-related data for adding articulation to the musical score.

Another aspect of the present invention includes the flexibility to display, any of the layers, in a small-scale manner. Specifically, by way of example, as illustrated in Figs. 3A, the layer “Dyna” (labeled as “L2”) is shown as displayed in a regular-scale sized display (like the other layers). Fig. 3B shows the “Dyna” layer displayed in accordance with a small-scale display. Small scale display can be activated, as shown in Fig. 4, by a user selecting among a plurality of display

.options to a “Small-Scale Display.” Alternatively, small-scale display for an individual layer can also be effected by clicking on the “▼” symbol (labeled as button “LB” in Fig. 2; also referred to as the LB button in the specification) near the left end of each layer, as shown in Figs. 2-3.

Further explanation of this display option can be found in paragraphs [0050]-[0056] of the published version of the present application (U.S. Patent Pub. No. US2004/0098404 A1).

Applicants have further amended the pending claims to more clearly recite this aspect of the present invention, as well as added new dependent Claims 31-34 to further recite additional embodiments.

Neither Ohomori nor Akin contain any disclosure or suggestion of attaching or detaching execution icons to layers of performance data for purposes of adding articulation to a musical score, wherein “articulation” refers to a specific performance technique. Rather, as previously communicated, Ohomori discloses a GUI for editing video data, where effect icons can be attached to effect tracks (35D) in the edit list creation section (35) that is displayed in the lower window as shown in Figs. 5, 7, and 8. As the Examiner acknowledged at page 3 of the Detailed Action, there is no mention in Ohomori of appending musical score performance data with articulation-based execution icons.

Akin fails to make up for the deficiencies of Ohomori. Specifically, Akins discloses a sequencing software that can be graphically controlled on a display screen, as shown in Fig. 1 to 3. In particular, Fig. 1 of Akins illustrates MIDI data (i.e., performance data) being recorded onto tracks in horizontal rectangles (shown in the window on the right), and display icons allowing a user to select musical instruments to be assigned to the tracks (shown in the window on the left). The displayed icons in Akin are associated with particular instruments in connection with the names of the tracks (see, e.g., right column on page 123). A further left window in Fig. 1 displays a tool box

that includes icons for changing the function of the graphical mouse tool into one of scissors, erasers, or pastes, which are used for editing the tracks (see center column, page 124). However, Applicants respectfully submit that the icons shown in Akin do not correspond or relate to execution data for imparting articulation to a particular musical tone, wherein “articulation” refers to a specific performance technique of musical notes. Rather, Akin discloses only designating a particular musical instrument to a track; there is no teaching or suggestion of using any icons having execution-related data to impart articulation to a musical tone. Applicants respectfully submit to the Examiner that designation of a musical instrument is not articulation (i.e., a specific performance technique). Applicants further submit that it would be an unreasonably broad application of Akin to consider the musical notes themselves to constitute articulation execution-related data.

Applicants further submit that neither Ohomori nor Akin contain any disclosure or suggestion of selectively controlling the display of *an individual layer* to effect a small-scale display, as recited in the amended claims. Rather, Ohomori discloses only the ability to close, minimize, or maximize the display of a particular window via the selection of an appropriate box on the upper right hand corner of the window (e.g., “☒” to close the window, as typical of windows displayed in any Microsoft Windows environment). There is no disclosure of controlling a small-scale display of *the individual layers* as shown in Fig. 3B of the present application. Akin likewise fails to make up for this deficiency.

In view of the above, Applicants respectfully submit that the pending claims are not obvious in view of Ohomori and Akin.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.

393032019710. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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